IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE TWENTY FIRST DAY OF JUNE
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and
THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

WRIT APPEAL NO : 1225 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/06/2005 in WP NO.12891 OF 2005 on the file of the High Court.)

Between:

Moniru Zaman S/o. Nashiruddin Ahmed, Constable,
BHEL, R./o. CISF UNIT, BHEL, Hyderabad.

..... APPELLANT

AND

1 The Commandant, Central Industrial Security Force, CISF Unit, BHEL (R)
Hyderabad-32
2 The Director General,CISF Hqr. Block No. 13m CGO's COmplex,
Lodhi Road, New Delhi.

.....RESPONDENTS

Counsel for the Appellant:MR.P.S.P.SURESH KUMAR

Counsel for the Respondents: MR.A.RAJASHEKAR REDDY (ASST SOLICITOR GEN)

The Court at the admission stage made the following:

J U D G M E N T: (PER THE HON'BLE MRS. JUSTICE T.MEENA KUMARI)

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This appeal is preferred under Clause 15 of Letters Patent Act against the Order dated 17-06-2005 made in W.P.No.12891 of 2005 by the learned Single Judge of this Court.

The appellant herein is the writ petitioner. He filed the said writ petition seeking a Mandamus declaring the movement Order dated 14-06-2005, by transferring him from CISF Unit, BHEL, Hyderabad to CISF Unit, ONGC Nazira, Assam State as illegal, and arbitrary.

Originally, the appellant-writ petitioner was selected as Central Industrial Security Force (CISF) Constable and posted to Arconam, 6th Reserve Bt.Tamilnadu. Subsequently, the petitioner was transferred to VPT Visakhapatnam and from there to BHEL Hyderabad. While he was working in BHEL, Hyderabad, a case in crime No.388 of 2004 of P.S.Ramachandrapuram, Medak District was registered against him for the offence punishable under Sections 380 and 381 IPC. On the basis of the said criminal case, the respondents authorities issued a charge memo dated 15-12-2004, against the petitioner, on the ground that while he was on duty on 22-11-2004, he failed to detect fraudulent/unauthorized loading of 4.04 tones extraneous scrap material. Thereupon, the 1st respondent-Commandant, CISF Unit, BHEL, Hyderabad, after conducting a detailed enquiry, as a measure of punishment imposed a penalty of reduction of pay by three stages for a period of three years and transferred him to ONGC Nazira, Assam Stage. Questioning the said movement Order dated 14-06-2005, on the same day, the petitioner made a representation before the 2nd respondent-Director General, CISF Head Quarters, New Delhi requesting either to continue him in BHEL, Hyderabad Unit or to transfer to any of the Unit in Hyderabad belt. The grievance of the petitioner is that though he made a representation before the

respondents-authorities, they did not consider the same and that if he is transferred to ONGC Nazira, Assam State, which is far away
5000 km to the present Unit, it will be difficult for him to attend before the Court of learned Judicial First Class Magistrate, Sanga Reddy for every adjournment in view of the pendency of the said criminal case. With the above prayer, the petitioner filed a writ petition before this Court.

A learned single Judge of this court, on a perusal of the entire material available on record, dismissed the said writ petition at the stage of admission. Aggrieved by the same, the writ petitioner preferred an appeal before this Court.

Heard both sides.

We have perused the entire material available on record.

Having heard the submissions made by both the parties and on a perusal of the material available on record, it seems that the respondents authorities transferred the writ petitioner at their discretionary powers as well as may be in view of the pendency of the said criminal case against the petitioner. Since the transfer of the employees in the units is purely as a matter on administrative grounds, we do not see any valid reasons to entertain the appeal.

Viewed from any angle, we do not see any illegality or irregularity in dismissing the writ petition by the learned single Judge of this Court.

Accordingly, the writ appeal is dismissed. No costs.

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T.MEENA KUMARI, J

Dt. 21-06-2005

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P.LAKSHMANA REDDY, J

Mjl/*

To,

1 The Commandant, Central Industrial Security Force,CISF UNIT, BHEL (R)
Hyderabad-32
2 The Director General,CISF Hqr. Block No. 13m CGO's COmplex,
Lodhi Road, New Delhi.

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